

McWhorter, Scott

From: bradedward@aol.com
Sent: Thursday, December 17, 2015 1:21 PM
To: Cooper, Pam
Subject: Re: How many positive test results in Paia

Perfect....If you can let me know later today what they say that would help ensure that what we send out is accurate. Since January 2011 is what we are putting on the flyer so from that date to present would be the time frame. We are aiming to mail it out this weekend.

Mahalo for you help!

Brad Edwards

-----Original Message-----

From: Cooper, Pam
To: bradedward
Sent: Thu, Dec 17, 2015 11:14 am
Subject: RE: How many positive test results in Paia

Nothing yet. We are checking in with Hawaii again this afternoon on several things; this will be one of them.
Pam

Pamela Cooper, Manager

Pesticides Office (LND-2-2)

US EPA, Region 9

San Francisco, CA

415.947.4217

From: bradedward@aol.com [<mailto:bradedward@aol.com>]

Sent: Thursday, December 17, 2015 12:07 PM

To: Cooper, Pam <Cooper.Pam@epa.gov>

Cc: bradedward@aol.com

Subject: How many positive test results in Paia

Aloha Pam,

Just checking to see if you have heard back from Thomas Matsuda regarding the number of homes in the Paia area that have tested positive for herbicides....lets say since January 2011? It should be easy for Lester Chin to access as all of his files are computerized. We are finalizing our flyer and mailing it out soon and I want to make sure the information on it is accurate.

Mahalo,

Brad Edwards

-----Original Message-----

From: Cooper, Pam <Cooper.Pam@epa.gov>

To: bradedward <bradedward@aol.com>

Sent: Wed, Dec 16, 2015 9:59 am

Subject: RE: Thomas Matsuda Emails.....Several months to run samples

Brad –

Got your previous e-mails. We've been talking to Tom and his staff frequently. I haven't heard from them about the number of samples that came back with positive hits, but we did ask for that information.

Atrazine is a bit of a puzzle. The e-mail records you sent are 2010 and 2011, which are very old. My Sr. scientist who could help with the water evaluation re: atrazine and other issues is out until next week, so we are stopped on that one.

We have asked about the lab timing, and are waiting for an answer. One of the people who complained about drift and submitted a statement apparently withdrew her statement. But we are still interested in what is taking so long with samples.

You mentioned that you sent out (or are sending out) a mailing. Would it be possible to get a copy of that ? I will be in touch as we get more information.

Pam

Pamela Cooper, Manager

Pesticides Office (LND-2-2)

US EPA, Region 9

San Francisco, CA

415.947.4217

From: bradedward@aol.com [<mailto:bradedward@aol.com>]

Sent: Monday, December 14, 2015 1:23 PM

To: Cooper, Pam <Cooper.Pam@epa.gov>

Subject: Thomas Matsuda Emails....Several months to run samples

Aloha Pamela,

Thanks for the callback this morning. I am glad to hear that you're Department is actively engaged with Thomas Matsuda and the Dept. of Ag here regarding this issue. As I mentioned on the phone, Thomas Matsuda said in a follow up email to Kevin Kirn (the person who was recently oversprayed and had his car sampled by Lester Chin) that it would take "a few months time" to run the samples in the lab. I realize that your investigators are speaking to Thomas as I write this....but if they are able to address this issue today that would be great.

And if you can find out from Mr. Matsuda how many homes on Maui have tested positive since the beginning of 2013 (or even the beginning of 2010) that would also be very helpful.

And as we discussed on the phone, it appears that Lester Chin never tests the samples for Atrazine. I am curious to find out if this is because it was not sprayed or if the Department of Agriculture is deliberately leaving it out for an unknown reason.

I appreciate the call back today even though you are out sick. I hope you feel better soon and I really do appreciate all of your help as I know that you are probably very busy and also very understaffed. The emails from Mr. Matsuda to Kevin Kirn are copied and pasted below.

Mahalo,

Brad Edwards

(808) 250-7929

-----Original Message-----

From: Kevin Kirn <kevinbradleykirn@gmail.com>

To: Hawaiian Surfer <bradedward@aol.com>

Sent: Mon, Dec 14, 2015 11:12 am

Subject: Fwd: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

Forwarded emails from Thomas Matsuda

----- Forwarded message -----

From: **Kevin Kirn** <kevinbradleykirn@gmail.com>

Date: Fri, Dec 11, 2015 at 7:26 AM

Subject: Fwd: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

To: Hawaiian Surfer <bradedward@aol.com>

----- Forwarded message -----

From: **Matsuda, Thomas K** <Thomas.K.Matsuda@hawaii.gov>

Date: Thu, Dec 10, 2015 at 2:36 PM

Subject: RE: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

To: Kevin Kirn <kevinbradleykirn@gmail.com>

Cc: "Enright, Scott" <Scott.Enright@hawaii.gov>, "Shimabukuro-Geiser, Phyllis" <Phyllis.Shimabukuro-Geiser@hawaii.gov>, "Reimer, Neil J" <Neil.J.Reimer@hawaii.gov>, "Chin, Lester C" <Lester.C.Chin@hawaii.gov>, "Kam, Ann M" <Ann.M.Kam@hawaii.gov>

Dear Mr. Kirn,

In regards to your questions in an earlier email, below are my responses.

1. Does the Department of Agriculture have a copy of the HC&S records that show what was sprayed on the field that day?

Response: Your complaint case is currently under investigation and the fact gathering portion will cover this question.

2. Are you legally required to give me a copy of the spray records for the field in question for December 2nd if I request it?

Response: Yes. Once the case is closed you can request a copy of the file/investigation by submitting a Hawaii Uniform Information Practices Act (UIPA Form). Mr. Chin will alert you when the case has been formally closed and will provide you with a UIPA request form.

3. If you don't have a copy, how do you or Lester know what to test for in the samples that Lester collected from the inside of my car?

Response: Your complaint case is currently under investigation and the fact gathering portion will cover this question.

4. When will the samples be tested? (Lester mentioned that things break down over time so I am assuming that they have already been tested, or will be soon)

Response: We have a back log of samples to be run and are making better progress with the acquisition of new lab equipment. A few months' time is our best estimation.

5. Do you know what the windspeed label limits are for Velpar, Rifle, Prowl, Evik, 2-4D, and Atrazine ? If you do not know, who can I contact to find out?

Response: You can visit the HDOA website <http://hdoa.hawaii.gov/pi/pest/licensed-pesticides/> to look for various pesticide product labels. "Look under Hawaii Pesticides Labels Online". One can search by product name.

As there were multiple products listed, and without the EPA Reg. Number you would need to know which product label to read. Only Evik had one product and its label states Under Wind Speed – Do not apply at wind speeds greater than 10 mph.

Evik : <http://npirpublic.ceris.purdue.edu/state/log/1921492100019766.PDF>

Sincerely,

Thomas K. Matsuda

Pesticides Program Manager

From: Kevin Kirn [mailto:kevinbradleykirn@gmail.com]

Sent: Wednesday, December 09, 2015 8:14 PM

To: Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov>

Cc: Enright, Scott <Scott.Enright@hawaii.gov>; Shimabukuro-Geiser, Phyllis <Phyllis.Shimabukuro-Geiser@hawaii.gov>; Reimer, Neil J <Neil.J.Reimer@hawaii.gov>

Subject: Re: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

Hi Mr. Matsuda,

Thank you for the info. Can you or Lester provide me with a final bit of information:

1. Does the Department of Agriculture have a copy of the HC&S records that show what was sprayed on the field that day?

2. Are you legally required to give me a copy of the spray records for the field in question for December 2nd if I request it?

3. If you don't have a copy, how do you or Lester know what to test for in the samples that Lester collected from the inside of my car?
4. When will the samples be tested? (Lester mentioned that things break down over time so I am assuming that they have already been tested, or will be soon)
5. Do you know what the windspeed label limits are for Velpar, Rifle, Prowl, Evik, 2-4D, and Atrazine ? If you do not know, who can I contact to find out?

Sincerely,

Kevin Kirn

On Wed, Dec 9, 2015 at 4:15 PM, Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov> wrote:

Hi Mr. Kirn,

The HC&S contact person whom I spoke with is Mr. Sean O'Keefe.

Sincerely,

Thomas K. Matsuda

From: Kevin Kirn [mailto:kevinbradleykirn@gmail.com]

Sent: Wednesday, December 09, 2015 1:19 PM

To: Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov>; rvolner@hcsugar.com; Enright, Scott <Scott.Enright@hawaii.gov>

Subject: Re: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

Hi Mr. Matsuda,

Thank you....can you tell me the name of the person you spoke to at HC&S who confirmed that they provided my doctor with MSD sheets for all of the herbicides and pesticides that were in the mixture that day?

Kevin Kirn

On Wed, Dec 9, 2015 at 1:09 PM, Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov> wrote:

Hi Mr. Kirn,

As Lester is out of the office today and I do not have particulars on the case, I placed a call (voicemail) to HC&S and heard back that the MSD Sheets that were provided to Dr. Lazatin were for those pesticides that were sprayed on their field that day.

Sincerely,

Thomas K. Matsuda

Pesticides Program Manager

From: Kevin Kirn [mailto:kevinbradleykirn@gmail.com]

Sent: Wednesday, December 09, 2015 12:17 PM

To: Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov>; rvolner@hcsugar.com; hdoa_info <hdoa.info@hawaii.gov>

Subject: Re: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

Hi Mr. Matsuda,

Thank you for the e-mail. Unfortunately, as you can see if you re-read my email, that is not what I was asking for. Do you have a list from HC&S informing you of what was in the mixture that they were spraying on their field near Kuau last Wednesday December 2nd, 2015? I asked Lester if he was legally required to disclose that information and he did not know the answer. Lester implied that he had that information himself in an email to me when he told me to have my doctor call him directly. Does he have the list from HC&S? And if Lester does not have the list, why would he ask me to have my doctor call him?

I cc'd this to Scott Enright in case so he is aware that almost an entire week has passed, and from your email it is apparent that my doctor still hasn't received a confirmation about what was actually sprayed.

I am asking for a list of what was actually sprayed....not the MSD sheets from what I think was sprayed.

Did HC&S send a list to my doctor (and the accompanying MSD sheets) for what they ACTUALLY sprayed that day. A list of ALL the chemicals that they sprayed that day, without leaving any out. That is what I asked for him my previous e-mail. I want my doctor to know exactly what was sprayed and to have the MSD sheets for what was sprayed.

I do not think that I am asking too much. Please give me an answer to my request as soon as possible.

Sincerely,

Kevin Kirn

On Wed, Dec 9, 2015 at 11:37 AM, Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov> wrote:

Dear Mr. Kirn,

Mr. Lester Chin is out of the office today and will be back in the office tomorrow, 12/10.

I have been alerted by a spokesperson from HC&S that they have communicated with Dr. Lazatin this morning and he was provided with MSD sheets for those pesticides named by you in a previous email. You may want to contact Dr. Lazatin as a follow up.

Respectfully yours,

Thomas K. Matsuda

Pesticides Program Manager

[\(808\) 973-9404](tel:(808)973-9404)

From: hdoa_info

Sent: Wednesday, December 09, 2015 8:08 AM

To: Enright, Scott <Scott.Enright@hawaii.gov>

Cc: Shimabukuro-Geiser, Phyllis <Phyllis.Shimabukuro-Geiser@hawaii.gov>; Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov>; Nakamura, Gayle M <Gayle.M.Nakamura@hawaii.gov>

Subject: FW: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

Forwarding e-mail addressed to you.

Aloha,

Janelle Saneishi

Public Information Officer

Hawaii Department of Agriculture

Office: [808.973.9560](tel:808.973.9560)

Website: <http://hdoa.hawaii.gov>

From: Kevin Kirn [mailto:kevinbradleykirn@gmail.com]

Sent: Wednesday, December 09, 2015 7:21 AM

To: hdoa_info <hdoa.info@hawaii.gov>

Subject: Fwd: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

To: Scott Enright (Chairperson, Hawaii Department of Agriculture),

----- Forwarded message -----

From: **Kevin Kirn** <kevinbradleykirn@gmail.com>

Date: Tue, Dec 8, 2015 at 6:38 PM

Subject: Pesticide Overspray on December 2, 2015....list of chemicals for my Doctor

To: rvolner@hcsugar.com, "Chin, Lester C" <Lester.C.Chin@hawaii.gov>, thomas.k.matsuda@hawaii.com

To: Rick Volner (General Manager of HC&S), Lester Chin, and Thomas Matsuda,

I was oversprayed last Wednesday December 2nd by one of your tractors spraying the field before the Kuau Store going towards Haiku from Paia around 9:45 am. I experienced physical symptoms from the exposure and ended up at the Kaiser Clinic that same day. When I escorted Lester Chin back to the site around 12:30 or 1:00, when we got out of our cars the chemical odor was strong enough that Lester ordered me to get back in my car and leave so I wouldn't have any more exposure.

My doctor spoke with both Lester Chin with the Department of Agriculture on Maui and with Jeff Kermode at HC&S. Lester was not able to provide the list of chemicals that were being sprayed on the field, but my doctor did speak to Jeff Kermode [\(808\) 877-2958](tel:(808)877-2958) at HC&S who promised to email a list of what was in the mixture. However, 6 days have passed and I just checked with my doctor who said that he is still waiting for the list.

I am not sure if this is common practice for HC&S and the Department of Agriculture, but this is unacceptable in so many ways. I cc's both Lester Chin and his supervisor, Thomas Matsuda on this e-mail. I

fully expect that one of you will get back to my ASAP tomorrow with a confirmation that a list has been sent to my doctor.

Once again, I expect to hear back from one of you (or all of you) in the morning. Please reply to this e-mail.
Kevin Kirn